

REMARKS

Claims 1-6, 9, 23-29, 32, 34-42, and 46-48 remain in the application with claims 7, 8, 10-22, 30, 31, 33, 34, and 43-45 having been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 1-6, 9, 23-29, 32, 34-42, and 46-48 under 35 U.S.C. 103(a), as being unpatentable over U.S. Patent No. 6,453,369, Imamura et al., in view of U.S. Patent 6,523,117, Oki et al., U.S. Patent No. 6,496,978, Ito, and/or U.S. Patent No. 6,894,961, Osakabe.

Claim 1, as amended, relates to a recording and reproducing method for a record medium comprising the steps of reading record medium encryption key version information from the record medium when data are recorded to the record medium and reproduced from the record medium on which the record medium encryption key version information has been recorded. Apparatus encryption key version information is read from a recording and reproducing apparatus for the record medium. The record medium encryption key version information read from the record medium is compared with the apparatus encryption key version information read from the apparatus. One of an encrypting and recording process and a decrypting and reproducing process is performed for the record medium using an encryption key corresponding to the apparatus encryption key version information stored in the apparatus when the record medium encryption key version information read from the record medium matches the apparatus encryption key version information read from the apparatus.

Imamura et al. relates to a data storage device for recording data on a memory medium, such as a magneto-optical disk. The data storage device ensures the secrecy and the

security of recorded data by controlling access to the memory medium for data reading and/or writing according to a relationship between a first identifier and a second identifier.

Oki et al. relates to a system and method for the releasing of software over the internet. The software is first encrypted and stored on a medium. The medium is then distributed. A user wishing to utilize the software may purchase the software and be sent means to decrypt the software over the internet.

Ito relates to a microcomputer control system which is controlled on the basis of programs or data stored in memory. Version numbers are compared. Programs (tasks and subroutines) of a new version can always be executed and update data of a new version can be used. The programs can be customized for each user.

Osakabe relates to a recordable optical disk where information indicative of recording speeds suitably applicable to the disk is recorded in pre-groove wobbles or pre-pits of the optical disk, and a device for recording on the recordable optical disk.

The cited art, taken alone or in combination, fail to teach or suggest that record medium encryption key version information is read from a recording medium, apparatus encryption key version information is read from an apparatus, and encryption/decryption is performed using an encryption key corresponding to the apparatus encryption key version information when the medium encryption key version information matches the apparatus encryption key version information.

The Examiner contends that Oki et al. discloses storing encrypted data on a CD-ROM and the encrypted data required an encryption key to be decrypted. The Examiner further contends that this may be combined with alleged teachings of Imamura et

al. where access to data is restricted to the case where identifiers are matched and to alleged teachings of Ito where version numbers are compared. However, the cited art fails to suggest the specific combination recited in claim 1 as amended nor is a motivation to combine present in any of the cited references. Accordingly, independent claim 1 is patentably distinct from the cited art for at least the above reasons. Moreover, claims 2-6, 9, 23-29, 32, 34-42, and 46-48 are patentably distinct from the cited art for at least similar reasons.

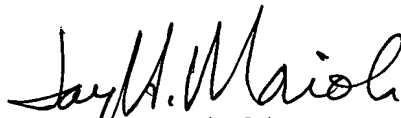
Therefore, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that Record Medium, Recording and/or Reproducing Method for Record Medium, and Recording and/or Reproducing Apparatus for Record Medium, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli".

Jay H. Maioli
Reg. No. 27, 213

JHM/JBG